

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

HECTOR LUIS MALDONADO CANDELARIA

DEBTOR

CASE NO. 16-09146/ESL
CHAPTER 13

**DEBTOR'S MOTION REQUESTING ORDER
RE: RATIFICATION OF THE USE OF FUNDS FROM 2019 TAX REFUND**

TO THE HONORABLE COURT:

NOW COMES, HECTOR LUIS MALDONADO CANDELARIA, Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Debtor's confirmed Chapter 13 Plan dated March 6, 2017, provides that the Debtor's tax refunds will be paid into the Plan, in the above captioned case.

2. The Debtor received the 2019 tax refund (\$930.00). The Debtor did provide to the Chapter 13 Trustee a copy of the Debtor's 2019 tax return.

3. The Debtor hereby respectfully admits that the funds from the aforementioned tax refund were not paid into the Plan and the Debtor forgot to request prior Court authorization for the use of the funds from above mentioned 2019 tax refund. The Debtor used the aforestated funds to pay for: the purchase of a musical instrument to be used by the Debtor for his part-time job as a musician/music teacher. Attached is copy of invoice for this expense.

4. The Debtor respectfully submits that the failure to pay into the Plan the 2019 tax refund was an honest error not intended to trigger an absence of compliance with the terms of the confirmed Plan, in the above captioned case.

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5. That considering that the funds received by the Debtor for the 2019 tax refund were used for a "reasonable and necessary expense", its use may be ratified by the Court, not to be used for the confirmed Plan funding. 11 U.S.C. Section 105.

6. Based on the above-stated, the Debtor respectfully requests this Honorable Court to Order the ratification of the use of aforementioned 2019 tax refund, in the above captioned case.

WHEREFORE, the Debtor, through the undersigned attorney respectfully requests that this Honorable Court grant the foregoing motion and allow the use of the funds from the 2019 tax refund by the Debtor in the above captioned case.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee; I also certify that a copy of this motion was sent via US Mail to Debtor Hector Luis Maldonado Candelaria, , to the address of record: PO Box 8554, Humacao PR 00791.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 9th day of March, 2021.

/s/Roberto Figueroa Carrasquillo
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
USDC 203614
ATTORNEY FOR PETITIONER
PO BOX 186
CAGUAS PR 00726-0186
TEL 787-744-7699/ 787-963-7699
EMAIL: rfc@rfigueroalaw.com

